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Attorneys for Defendants
ATI Technologies, Inc. and
Advanced Micro Devices, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL PERKEL, on behalf of himself and
all others similarly situated,

Plaintiff,

v.

NVIDIA CORPORATION; ATI
TECHNOLOGIES, INC.; and ADVANCED
MICRO DEVICES, INC.

Defendants.

Case No. C-07-00085 CW

CLASS ACTION

**STIPULATED REQUEST TO CONTINUE
CASE MANAGEMENT AND ADR
DEADLINES; ORDER AS MODIFIED**

JURY TRIAL DEMANDED

Plaintiff Daniel Perkel (“Plaintiff”) and Defendants Nvidia Corporation
 (“Nvidia”), ATI Technologies, Inc. and Advanced Micro Devices, Inc. (collectively “AMD”) hereby jointly request the Court to continue the initial case management conference and related deadlines in this action as follows.

1. On January 5, 2007, Plaintiff filed the Complaint, which alleges claims under Section 1 of the Sherman Act, 15 U.S.C. § 1, and pendant state law claims. Plaintiff styled the Complaint as a putative class action.

2. As of the date of this Stipulation, at least 35 other complaints have been filed in this and other judicial districts. All of these complaints allege federal antitrust claims

1 and/or state law antitrust claims against Nvidia and AMD. Each complaint is styled as a putative
2 class action.

3 3. On December 8, 2006, plaintiffs in some of these other actions
4 collectively filed a motion before the Judicial Panel on Multidistrict Litigation (“JPML”) to
5 transfer and consolidate in this judicial district all existing and subsequently filed antitrust
6 actions related to the claims alleged in the Complaint.

7 4. On January 16, 2007, AMD and Nvidia filed a response with the JPML
8 supporting consolidation and transfer of these actions to the Northern District of California, San
9 Jose Division, or, in the alternative, in the Northern District of California, San Francisco
10 Division. To date, every party responding to the JPML Motion has supported consolidation and
11 transfer in either the Northern or Central Districts of California. No party has opposed
12 consolidation and transfer.

13 5. Oral argument on the JPML Motion is scheduled for March 29, 2007 in
14 San Antonio, Texas. The parties agree that, at some point subsequent to that hearing, the JPML
15 is likely to order transfer and consolidation of these actions.

16 6. In light of these facts, Plaintiff and Defendants stipulated on January 12,
17 2007 to extend the time for Defendants to respond to the Complaint to 30 days after (1) the order
18 resolving the JPML motion and (2) the filing and service of any subsequent consolidated
19 complaint, without prejudice to the right of Nvidia or AMD to seek additional time to answer or
20 otherwise respond to the Complaint for good cause shown.

21 7. Given the March 29, 2007 hearing date before the JPML, at least one of
22 the dates set forth in the Order Setting Initial Case Management Conference and ADR Deadlines
23 entered on January 5, 2007 (“January 5 Order”), including the deadlines imposed by Federal
24 Rules of Civil Procedure 26, Local Rule 16, and ADR Local Rule 3.5, will come to pass before
25 the JPML acts on the pending motion.

26 8. Continuing the dates set forth in the January 5 Order would avoid the
27 expenditure of unnecessary judicial resources until it is determined whether this action will
28

1 remain pending in this Court. It would also ensure consistency in pretrial rulings and be
 2 convenient for the parties, including Plaintiff.

3 9. Accordingly, the parties hereby stipulate to and respectfully request that
 4 the Court order a continuance of the dates set forth in the January 5 Order. The affected dates
 5 include (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process
 6 selection, and discovery plan (currently March 23, 2007); (2) file joint ADR documents
 7 (currently March 23, 2007); (3) complete initial disclosures and file the Rule 26(f) Report and
 8 Case Management Statement (currently April 6, 2007); and (4) the Initial Case Management
 9 Conference (currently April 13, 2007).

10 10. The parties request that the Court continue the above referenced schedule
 11 as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR
 12 process selection, and discovery plan – June 22, 2007; (2) the deadline to file joint ADR
 13 documents – June 22, 2007; (3) the deadline to complete initial disclosures and file the Rule
 14 26(f) Report and Case Management Statement – July 6, 2007; and (4) the Initial Case
 15 Management Conference – July 13, 2007. Such a continuance will allow this matter to move
 16 forward promptly in the event that the JPML Motion is denied and further proceedings before
 17 this Court are necessary.

18 11. Except as described in Paragraph 6, the parties have sought no previous
 19 modification of the timing of any event or deadline set by the Court.

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12. The parties agree to notify the Court promptly when the Panel rules on the JPML Motion.

Respectfully submitted,

Dated: March 8, 2007

LATHAM & WATKINS LLP

By: /s/ Charles H. Samel
Charles H. Samel (182019)

Attorneys for Defendants
ATI TECHNOLOGIES, INC. and
ADVANCED MICRO DEVICES, INC.

Dated: March 6, 2007
COOLEY GODWARD KRONISH LLP

By: /s/ James Donato
James Donato (146140)

Attorneys for Defendant
NVIDIA CORPORATION

Dated: March 6, 2007
FURTH LEHMANN & GRANT LLP

By: /s/ Christopher L. Lebsock
Christopher L. Lebsock (184546)

Attorneys for Plaintiff
DANIEL PERKEL

1 FILER'S ATTESTATION:

2 Pursuant to General Order No. 45, § X(B) regarding signatures, I attest under penalty of
3 perjury that the concurrence in the filing of this document has been obtained from its signatories.

4 Dated: March 8, 2007

5 By: /s/ Charles H. Samel
Charles H. Samel

ORDER

Pursuant to the stipulation of the parties, all dates set forth in the January 5, 2007 Order Setting Initial Case Management Conference are hereby continued as follows: (1) the deadline to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan will be June 22, 2007; (2) the deadline to file joint ADR documents will be June 22, 2007; (3) the deadline to complete initial disclosures and file the Rule 26(f) Report and Case Management Statement will be July 6, 2007; and (4) the Initial Case Management Conference will be **July 24, 2007, at 2:00 p.m.** The parties are ordered to notify the Court promptly when the Judicial Panel on Multidistrict Litigation rules upon the motion for consolidation pending in MDL Docket No. 1826, *In re Graphics Processing Units Antitrust Litigation*.

Pursuant to stipulation, it is so ordered **as modified**.

3/14/07

Dated: _____



The Honorable Claudia Wilken

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